

## **REMARKS**

### **Amendment of Specification**

Applicants have included herewith a request to amend the specification to provide appropriate terminology claiming priority from International Patent Application No. PCT/DE99/03343 filed 18 October 1999 and German Patent Application No. 198 47 779.1 filed on October 16, 1998. After a telephonic discussion with Mr. Dixon in the PCT Petition Office on August 5, 2003, applicants were informed that the specification could be amended by making reference in the specification that the application was filed under 35 U.S.C. §371 and claimed priority to both the earlier filed PCT application and German application. Mr. Dixon informed the undersigned attorney that a petition to present this amendment was not required. As such, applicants request that this amendment to the specification be entered.

### **Certified Copy of Priority Application and Rejection under 35 USC §102(b)**

Applicants submit herewith a certified copy and certified translation of German Patent Application 198 47 779.1 filed on October 16, 2003. The submission of this certified copy perfects the priority claim to this earlier filed German application and removes the Muller et al. reference made of record in the Office Action mailed 2002 as competent prior art. As such, applicants request the withdrawal of the rejection of pending claims under 35 USC §102(b).

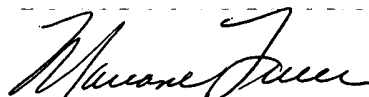
### **Fee Payable**

Applicants believe that no fee is due for entry of the amendment. However, in the event a fee is found to be due, the U.S. Patent and Trademark Office is hereby authorized to charge any additional amount necessary to the entry of this amendment, and to credit any excess payment, to Deposit Account No. 08-3284 of Intellectual Property/Technology Law.

### **Conclusion**

In light of the submission of the Certified Copy of the German priority application 198 47 779.1, amendment of the present specification, and removal of the Muller, et al. cited reference as competent prior art, all pending claims are free of the art, and as such are in form and condition for allowance. Applicants request that Examiner Sullivan issue a Notice of Allowance. In the event any issues remain, applicants request that Examiner Sullivan contacts the undersigned attorney at 919-419-9350.

Respectfully submitted,



Marianne Fuierer  
Attorney for the Applicants  
Registration No. 39,983

**INTELLECTUAL PROPERTY/  
Technology Law  
Telephone: (919) 419-9350  
Facsimile: (919) 419-9354  
IPTL File: 4121-122**